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FAX COVER SHEET

To: USPTO
Art Unit 3636
Exr. Winnie S. Yip

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From: Werner H. Schroeder
Patent Agent
Reg. No. 38,387

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Response to a Final Rejection

Werner H. Schroeder
Signature

JUN 16 2006


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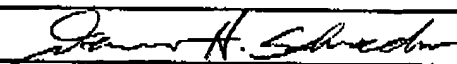
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/612,046	
	Filing Date	07/07/2003	
	First Named Inventor	Kevin T. Connelly	
	Art Unit	3636	
	Examiner Name	Winnie S. Yip	
Total Number of Pages in This Submission	4	Attorney Docket Number	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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Response to a Final Office Action

Application No. 10/613,946

This communication is a response to a Final Office Action rejection having a mailing date of 06/08/2006 and setting forth a shortened statutory period for response of three months which would expire on 09/08/2006.

R E M A R K S

The applicant has studied the examiner's action carefully with the following results:

Claims 1 - 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Bilotti and in view of Kupferman.

The examiner states that "Johnson teaches a shade and rain umbrella combination having a shaft (14) and ribs (18) pivotally mounted on a top of the shaft. A shade cover (20) is placed over and supported by the ribs. An analysis of Johnson indicates that the basic concept of Johnson is a windproof umbrella wherein the construction of the disclosed umbrella is entirely different from the claimed construction of applicant's umbrella that protects a person from the UV rays of the sun and affords ventilation through the fabric at the same time in one mode and protects a person from rain through the use of a separate water proof rain cover placed over the shade cover in a second mode. The examiner agrees that Johnson does not disclose or define a shade cover made of a fabric mesh material for protection against ultraviolet rays of the sun as claimed. The examiner now looks to Kupferman to find a teaching of using a shade cover to substitute for the shade cover of Johnson. It is pointed out that Kupferman does not disclose a two mode use of the umbrella and that is to shade against UV rays and shade a person and then a second mode to protect against rain through the use of a separate water proof cover placed over the shade